

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 710  
PROPOSED COMMITTEE SUBSTITUTE S710-CSBQ-47 [v.5]  
6/14/2020 11:17:29 AM

Short Title: Strengthening DWI Laws.

(Public)

Sponsors:

Referred to:

May 7, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE OFFENSE OF REVOKED DRIVING FELONY DEATH BY  
3 VEHICLE, TO PERMANENTLY REVOKE THE DRIVERS LICENSE OF A PERSON  
4 CONVICTED OF REVOKED DRIVING FELONY DEATH BY VEHICLE, AND TO  
5 AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO CONDITIONALLY  
6 RESTORE THE DRIVERS LICENSES OF PERSONS WHO HAVE COMPLETED A  
7 DRUG TREATMENT OR DWI TREATMENT COURT PROGRAM.

8  
9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 20-141.4 reads as rewritten:

11 "**§ 20-141.4. Felony and misdemeanor death by motor vehicle; felony serious injury by**  
12 **vehicle; aggravated offenses; repeat felony death by ~~vehicle~~ vehicle; revoked**  
13 **driving felony death by vehicle.**

14 ...

15 (a7) Revoked Driving Felony Death by Vehicle. – A person commits the offense of  
16 revoked driving felony death by vehicle if:

- 17 (1) The person unintentionally causes the death of another person,  
18 (2) The person was engaged in the violation of any State law or local ordinance  
19 applying to the operation or use of a motor vehicle or to the regulation of  
20 traffic, other than impaired driving under G.S. 20-138.1 or driving while  
21 license revoked under G.S. 20-28.2,  
22 (3) The commission of the offense in subdivision (2) of this subsection is the  
23 proximate cause of the death, and  
24 (4) At the time of the commission of the offense in subdivision (2) of this  
25 subsection, either of the following conditions is met:  
26 a. The person's drivers license was revoked for an impaired driving license  
27 revocation as defined in G.S. 20-28.2(a).  
28 b. The person was driving in violation of an ignition interlock restriction  
29 required pursuant to G.S. 20-17.8.

30 (b) Punishments. – Unless the conduct is covered under some other provision of law  
31 providing greater punishment, the following classifications apply to the offenses set forth in this  
32 section:

33 ...

34 (6) Revoked driving felony death by vehicle is a Class F felony.

35 (c) No Double Prosecutions. – No person who has been placed in jeopardy upon a charge  
36 of death by vehicle may be prosecuted for the offense of manslaughter arising out of the same



1 death; and no person who has been placed in jeopardy upon a charge of manslaughter may be  
2 prosecuted for death by vehicle arising out of the same death."

3 **SECTION 2.** G.S. 20-19(e) reads as rewritten:

4 "(e) When a person's license is revoked under (i) G.S. 20-17(a)(2) and the person has two  
5 or more previous offenses involving impaired driving for which the person has been convicted,  
6 and the most recent offense occurred within the five years immediately preceding the date of the  
7 offense for which the person's license is being revoked, (ii) G.S. 20-17(a)(2) and the person was  
8 sentenced pursuant to G.S. 20-179(f3) for the offense resulting in the revocation, or (iii)  
9 G.S. 20-17(a)(9) due to a violation of ~~G.S. 20-141.4(a4)~~, G.S. 20-141.4(a4) or (a7), the  
10 revocation is permanent."

11 **SECTION 3.** G.S. 20-19 is amended by adding a new subsection to read:

12 "(d1) Notwithstanding any other provision of law, when a person's license is revoked for  
13 an impaired driving offense and the person is sentenced pursuant to G.S. 20-179, the Division  
14 may conditionally restore the person's license after it has been revoked for at least one year if the  
15 person (i) provides the Division with a certificate of graduation from a Drug Treatment or Driving  
16 While Impaired (DWI) Treatment Court Program established pursuant to Article 62 of Chapter  
17 7A of the General Statutes, (ii) provides the Division with a letter of recommendation from the  
18 presiding judge of the Drug Treatment or DWI Treatment Court, including any recommended  
19 restrictions on the person's drivers license and (iii) pays, in addition to any other applicable fees,  
20 a fee of twenty-five dollars (\$25.00). The twenty-five-dollar (\$25.00) fee shall be deposited in  
21 the Highway Fund. If the Division restores the person's license, it shall place all of the following  
22 restrictions, requirements, and conditions on the person for the duration of the original revocation  
23 period:

- 24 (1) A requirement that all registered vehicles owned by that person be equipped  
25 with a functioning ignition interlock system in accordance with  
26 G.S. 20-17.8(c1).  
27 (2) A restriction that the person may operate only a motor vehicle equipped with  
28 a functioning ignition interlock system of a type approved by the  
29 Commissioner that is set to prohibit driving with an alcohol concentration of  
30 greater than 0.00.  
31 (3) A requirement that the person personally activate the ignition interlock system  
32 before driving the motor vehicle.

33 In addition, the Division shall include any recommended restrictions in the presiding judge's  
34 letter and may place other reasonable restrictions, requirements, and conditions on the person for  
35 the duration of the original revocation period."

36 **SECTION 4.** This act becomes effective December 1, 2020, and applies to offenses  
37 committed on or after that date.